IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 458 OF 2007

AND

CIVIL APPLICATION NO. 1591 OF 2006

WITH

SECOND APPEAL NO. 459 OF 2007

AND

CIVIL APPLICATION NO. 1593 OF 2006

SECOND APPEAL NO. 458 OF 2007

Tulsabai Ramnath Tarle & Anr. ... Appellants
(Org.Defts. No.9 & 10)

Versus

Anusayabai Panduran Lawand & Ors. Respondents

SECOND APPEAL NO. 459 OF 2007

Tanaji Pandurang Lawand & Ors. .. Appellants

Versus

Anusayabai Pandurang Lawand & Ors. Respondents

Shri Kishor Patil, Advocate, for appellants (in both matters)
Mr. A.B.Tajne i/b. Mr. G.S.Godbole for Respondents Nos. 1 & 2 (in both matters).
Mr. Kailash P.Lawand, Respondent No.2, in person present.

CORAM: J.H.BHATIA,J.
DATE: 26th September,2007.
(In Chambers at 5 p.m.)

P.C.

1. With consent of the learned Counsel for the parties, Second Appeal No.458 of 2007 is allowed and the Second Appeal No.459 of 2007 is dismissed.

2. The impugned order stands modified as under :-

(i) The Plaintiffs Nos. 1 and 2 and Defendants

Nos. 1 to 5 as well as Defendants Nos. 9 and 10 shall have 1/9th share each in the suit properties mentioned in paras 1 to 4 of the plaint.

(ii) The counter-claim of Defendants Nos. 3 to 8 shall stand dismissed.

(iii) The property shall be partitioned by the Collector or his gazetted subordinate in view of the provisions of Section 54 of the Civil Procedure Code and the parties shall be put in their separate possession.

(iv) The partition be effected, as far as possible, before the end of March, 2008.

(v) The parties shall bear their own costs throughout.

Preliminary decree be drawn accordingly.

3. As the Appeals are disposed of, the Civil Applications Nos.1591/2006 and 1593/2006 do not survive and, therefore, stand disposed of accordingly.

(J.H.BHATIA,J.)